VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 181 OF 2007

Mithailal Sing & Ors. . . . Applicants

Vs.

The State of Maharashtra . . . Respondent

Mr.R. M. Mohite with Mr. S.S. Shah, Advocates
for the applicant.

Mrs. M. H. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 9, 2007.

P.C.

. Heard Mr. R. M. Mohite, the learned counsel for the applicant and Mrs. M. H. Mhatre, the learned APP for the State. The applicants, who are officers of Pratap Cooperative Bank Ltd., have filed this application for anticipatory bail in Crime No. 8 of 2007, registered at Mahatma Fule, Police Station, Kalyan. On the complaint lodged by Jagpratap Satyanarayan Sing before the J.M.F.C. Kalyan. The learned Magistrate directed the police to investigae the case under S. 156 Cr.P.C. and therefore, offence came to be registered. One Manojkumar, son of the complainant had taken loan of

Rs.45,00,000/- from the bank, on the basis of documents, showing his mother Smt. Madhavi J. Singh as surety. Lateron, his father lodged complaint, contending that Smt. Madhavi is not a surety and her signatures were forged by Manoj Kumar. Applicants are officers of the bank and huge amount of loan was taken, showing her as surety. The proper investigation in the case would require hand writing expert's report in the matter. The applicants are all the officers of the bank and thre is no possibility of absconding. Taking into consideration the nature of the alleged offence, custodial interrogation of the present applicants does not appear to be necessary. Interim protection against arrest was granted by this court, as per order dated 19th January 2007 with direction to the applicant to report at the police station on alternate days. There is no grievance that they have not obeyed the order. However, learned APP states that certain original documents are necessary which are not produced by the applicants. The learned counsel for the applicant makes a statement that the original documents are already produced before

the Assistant Registrar in the proceeding for obtaining certificate under S. 101 of the Maharashtra Cooperative Societies Act. He assures that they will secure the documents and produce before the police.

2. In view of the circumstances, in case of arrest in Crime No. I-08 of 2007 registered with Mahatma Fule, Kalyan police station, the applicants shall be released on their executing Personal Bond of Rs. 10,000/-each with one surety in the like amount, on condition that they shall cooperate the police in investigation; they shall make themselves available as and when required for the purpose of interrogation. They shall also produce the documents which may be needed by the police for the purpose of investigation. In case they fail to produce the documents within 15 days from this day, the prosecution may approach this court for cancellation of anticipatory bail. Application stands disposed of accordingly.

Sd/-
[J. H. BHATIA, J.]